

POWER OF ATTORNEY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Schadt and Monks Confirmation No.: 9607  
Serial No.: 10/540,405, national stage of Art Unit: To be assigned  
PCT/US03/41613  
Filed: December 24, 2003 Examiner: To be assigned  
For: COMPUTER SYSTEMS AND METHODS Attorney Docket No.: 9301-210-999  
FOR ASSOCIATING GENES WITH  
TRAITS USING CROSS SPECIES DATA

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71  
WITH STATEMENT UNDER 37 C.F.R. 3.73(b)**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Practitioners at Customer Number 20583 all of Jones Day, whose address is 222 East 41st Street, New York, New York 10017, as its attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

Please direct all correspondence for this application to Customer no. 20583.

**Statement Under 37 C.F.R. 3.73(b)**

Rosetta Inpharmatics LLC states that it is:

- ☒ the assignee of the entire right, title, and interest; or  
☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is %

in the patent application/patent identified above by virtue of either:

- ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
A copy of the assignment is attached.

OR

- ☐ A chain of title from the inventor(s), of the patent application/patent identified above,  
to the current assignee as shown below:

1. From: To:  
The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

2. From: To:  
The document was recorded in the United States Patent and Trademark Office on

at Reel , Frame , or for which a copy thereof is attached.

3. From: To:

The document was recorded in the United States Patent and Trademark Office on  
at Reel , Frame , or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.
- ☒ Copies of assignments or other documents in the chain of title are attached.  
[Note: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

**ASSIGNEE: Rosetta Inpharmatics LLC**

Date: 28 June 06 Signature: Edward M. Yoshida  
Typed Name: Edward M. Yoshida  
Position/Title: Managing Counsel

## ASSIGNMENT

WHEREAS, WE, ERIC E. SCHADT, STEPHANIE A. MONKS, and JOHN LAMB, ASSIGNORS, respectively citizens of the United States, the United States, and the United Kingdom, respectively residing at 810 5th Street, Kirkland, Washington 98033, 3414 N. Ramsey Street, Stillwater, Oklahoma 74075, and 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington, are the inventors of the invention in COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA for which we have executed an application for a Patent of the United States

☒ which is identified by Jones Day docket no. 9301-210-999

☒ which was filed on December 24, 2003, Application No. 10/540,405, U.S. national stage of International Application No. PCT/US03/041613

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98108, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date June 27, 2006, 2006

  
Eric E. Schadt


L.S.

Date \_\_\_\_\_, 2006

Stephanie A. Monks

L.S.

Date June 26th, 2006, 2006


  
John Lamb

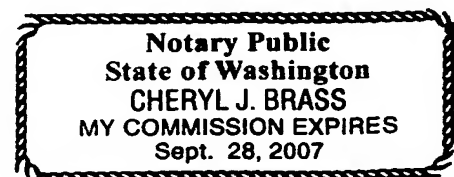
L.S.

State of Washington )  
County of King ) SS.:

On June 27, 2006, before me, Cheryl J. Brass, Notary Public, personally appeared Eric E. Schadt, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

  
(My appointment expires Sept 18, 2007)



State of )  
County of ) SS.:

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_ Notary Public, personally appeared Stephanie A. Monks, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

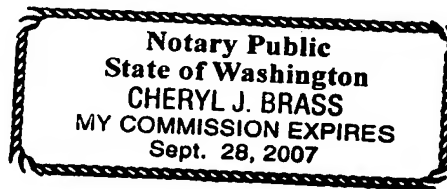
WITNESS my hand and official seal

State of Washington )  
County of King ) SS.:

On June 26, 2006, before me, Cheryl J. Brass Notary Public, personally appeared John Lamb, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Cheryl J. Brass  
(My appointment expires Sept 28, 2007)



## JOINT

## ASSIGNMENT

WHEREAS, WE, ERIC E. SCHATZ, STEPHANIE A. MONKS, and JOHN LAMB, ASSIGNORS, respectively citizens of the United States, the United States, and the United Kingdom, respectively residing at 810 5th Street, Kirkland, Washington 98033, 3414 N. Ramsey Street, Stillwater, Oklahoma 74075, and 1216 N. 172<sup>nd</sup> Street, Shoreline, Washington, are the inventors of the invention in COMPUTER SYSTEMS AND METHODS FOR ASSOCIATING GENES WITH TRAITS USING CROSS SPECIES DATA for which we have executed an application for a Patent of the United States

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□ which was filed on December 24, 2003, Application No. 10/540,405, U.S. national stage of International Application No. PCT/US03/041613

and WHEREAS, ROSETTA INPHARMATICS LLC, a limited liability company organized and existing under the laws of the state of Delaware, and having an office for the transaction of business at 401 Terry Avenue North, Seattle, Washington 98108, ASSIGNEE, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventor's certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof.

AND WE HEREBY authorize and request the Commissioner for Patents and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_, 2006 Eric E. Schatz L.S.

Date June 28, 2006 Stephanie A. Monks L.S.  
Stephanie A. Monks

Date \_\_\_\_\_, 2006 John Lamb L.S.

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.:

On \_\_\_\_\_, 2006, before me, \_\_\_\_\_, Notary Public, personally appeared Eric E. Schatz, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

FROM : OSU DEPT OF STATISTICS

PHONE NO. : 4057443533

Jun. 28 2006 10:23AM P5  
1-106 P.006/008 F-378

State of Oklahoma }  
County of Payne } SS.:

On June 28, 2006, before me, Irene M. Mckenna Notary Public, personally appeared Stephanie A. Monks, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

Irene M. Mckenna

*My Commission expires July 18, 2008*

State of }  
County of } SS.:

On         , 2006, before me,          Notary Public, personally appeared John Lamb, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal